

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FREDREKA M BOYKIN,)	Case No.: 1:17 CV 235
)	
Petitioner)	
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
COMMISSIONER SOCIAL SECURITY)	
ADMINISTRATION,)	
)	
Defendant)	<u>ORDER</u>

On February 6, 2017, Plaintiff Fredreka M. Boykin (“Boykin”) filed a Complaint against the Commissioner of the Social Security Administration (“Defendant” or “Commissioner”), challenging the denial of her application for Disability Insurance Benefits under the Social Security Act, 42 U.S.C. §§ 416(i), 423. (Compl., ECF No. 1, at 1; R. & R., ECF No. 4, at 1.) That same day, Plaintiff filed a Motion to Proceed in Forma Pauperis (ECF No. 2).

Also on February 6, 2017, this matter was referred to Magistrate Judge Jonathan D. Greenberg (“Judge Greenberg”), pursuant to Local Rule 72.2. On February 8, 2017, Judge Greenberg issued a Report and Recommendation (“R. & R.”), recommending that the court deny Plaintiff’s Motion to Proceed in Forma Pauperis because she reported earning \$490.00 more dollars per month in gross income than she paid in expenses. (R. & R., ECF No. 4, at 1.) Thus, it did not appear that the cost of filing would impose an undue hardship. Consequently, Judge Greenberg recommended this court order the Plaintiff to pay the \$400.00 filing fee within 14 days of the date of this court’s order. The R. & R. specified that any Objections must be filed within fourteen days.

(*Id.* at 4.) As of the date of the Order, Plaintiff has not filed Objections.

By failing to timely object, Plaintiff waived the right to appeal this court's Order. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985). After careful review of Judge Greenberg's R. & R. and all other relevant documents in the record, the court finds no clear error. *See* Fed. R. Civ. P. 72(b) advisory committee's note; *Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require the district court review of a magistrate[] [judge's] factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.").

Thus, the court adopts as its own Judge Greenberg's R. & R. (ECF No. 4.) In the alternative, the court finds that, even upon *de novo* review, Magistrate Judge Greenberg's findings are well taken, and adopts as its own his R. & R. for the reasons stated in the R. & R.

Accordingly, the court hereby denies Plaintiff's Motion to Proceed in Forma Pauperis (ECF No. 2). Plaintiff is ordered to pay the \$400.00 filing fee within 14 days of the date of this Order.

IT IS SO ORDERED.

/S/ SOLOMON OLIVER, JR.
CHIEF JUDGE
UNITED STATES DISTRICT COURT

March 16, 2017